

REMARKS

Claims 1-5, 8-11, 15, 17-20, 22, 23, 26-30 stand rejected under 35 U.S.C. §102(a) over Matyas, Jr. ('287). Although it is believed that claim 1 as filed is distinguished over this reference, it has been amended to clarify that the "survey request" from the client includes *previously collected survey results*. This is neither taught nor suggested by Matyas. Rather, Matyas describes an electronic payment system in which a buyer purchases a product, and fills out a product survey related to the product purchased. An evaluator collects product survey information from buyers that have previously purchased products, and provides product survey information to prospective buyers upon request *for nothing in return*.

Column 19, lines 4-60 of Matyas describe the prospective buyer who, as part of an electronic payment system, requests survey results for the product of interest from the evaluator. The results are provided to the prospective buyer without requiring that the buyer fill in the questionnaire (column 19, lines 7-11). Thus, if the buyer purchases the product, the buyer may or may not respond to a survey questionnaire related to the purchased product, but not as a precondition to obtain survey results as required in Applicant's claim 1. Indeed, the buyer may choose not to respond to the questionnaire (column 19 lines 33-35), which entirely negates other steps of Applicant's claim 1. Even if the buyer responds to the questionnaire, the first survey request was provided for free, thus clearly not intended to be the critical motivating component for collecting survey data.

According to Matyas, the step of providing previously collected survey results to a prospective buyer is intended to help the buyer make a decision to buy the product (column 19, lines 12-15), and not as a motivating step to respond to a questionnaire. The steps described by Matyas in Figure 9, and at column 19, lines 4-60 are clearly distinguishable from the steps in instant claim 1, and serve entirely different purposes. Referring to Applicant's specification at paragraph {0027} "people (such as consumers) are required to respond to a survey questionnaire in order to have access to previously collected survey results. Thus in the present invention, one incentive for a potential respondent to answer a survey questionnaire is access to previously collected survey results. Generally it is expected that the subject of the survey results will be different from the subject of the survey (questionnaire) that the person responds".

In contrast to the method and system of Matyas, Applicant's claims require that the person who requests previously collected survey information (for example, related to a 2006 Honda Pilot which she is considering purchasing), responds to a survey questionnaire (for example, related to a 2002 Honda Accord that she currently owns) in order for that person to obtain the survey information requested. Thus, obtaining the survey results is the motivation for that person to respond to a survey questionnaire. If the person could obtain previously collected survey results without responding to a questionnaire, there is no inherent motivation for that person to respond to the questionnaire.

Although independent claim 17 stands rejected under 35 U.S.C. §102(a), Applicant disagrees that claims 17-20, 22 and 23 "are the computer implemented system for performing the method of claims 1-16 therefore the same rejections as applied to claims 1-16 are applied to claims 17-23." Not only are the limitations of claim 17 different from the limitations of claim 1, claim 17 now includes the limitation of the survey results system which forwards requested survey results to a client "only if ownership of the product by the client is determined." Again, this clearly distinguishes over the cited art in that Matyas provides survey information to perspective buyers upon request for nothing in return.

Claims 6, 7, 12-14, 16, 21, 24 and 25 were rejected under 35 U.S.C. §103(a) over Matyas, Jr. Although it is believed that these claims are allowable because the independent claims from which they depend are allowable, Applicant disagrees with the Examiner's analysis. In each case, the Examiner concedes that Matyas does not explicitly teach the elements of the claims, but provides official notice in the form of the Examiner's opinion as to why the claims would be obvious to one of skill in the art. This is not the standard. In order to establish *prima facie* obviousness, the Examiner must point to some tangible evidence in support of a rejection, or a §103 rejection does not apply.


Based upon the foregoing amendments and comments, Applicant believes the present application is in condition for allowance. Questions regarding this application may be directed to the undersigned attorney by telephone, facsimile or electronic mail.

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Respectfully submitted,


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